

State of California  
Regional Water Quality Control Board  
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT  
November 8, 2006

- ITEM: 6
- SUBJECT: Approval of ACL Settlement: Poway Unified School District (District), Garden Road Elementary School, San Diego County (Tentative Order No. R9-2006-0127) (*Chiara Clemente*)
- PURPOSE: The Regional Board will consider any comments received during the public comment period and consider adoption of an order accepting payment of the proposed liability and waiver of hearing. If the Regional Board rejects the settlement, the matter will be rescheduled to a future public hearing at which time the Regional Board will consider assessment of civil liability.
- PUBLIC NOTICE: On September 8, 2006 a notice was published in the North County Times and posted on the Regional Board website soliciting public input on the District's waiver of the public hearing and payment of the proposed liability.
- DISCUSSION: The State Water Resource Control Board's statewide general Construction Storm Water permit (general permit) requires any person planning construction activities that disturb more than one acre of land to comply with the general permit by submitting a Notice of Intent (NOI) and by preparing and implementing a Storm Water Pollution Prevention Plan (SWPPP) prior to commencing construction at a site.
- On July 19, 2006, the District commenced construction activities, disturbing 4 acres, at the Garden Road Elementary School, located at 14614 Garden Road, in Poway.
- On July 25, 2006, the Regional Board was notified by both City of Poway (City) and District representatives of an incident where excavation activities accidentally ruptured an 8" diameter fire service water line, resulting in flooding of the construction site and unauthorized discharges of sediment-laden, chlorinated water from the Garden Road Elementary School to an unnamed tributary to Poway Creek. In

responding to that incident, the District, City, and Regional Board documented that the District had failed to file for coverage under the construction storm water general permit by not submitting a NOI to the State Board, and failed to prepare, and thereby implement, a SWPPP.

An inspection on July 26, 2006 by Mr. Dat Quach of the Regional Board confirmed that a copy of a SWPPP was not available at the construction site, that adequate BMPs were not present or implemented, and that unauthorized discharges of chlorinated, sediment-laden water from the site occurred on July 25 and 26, 2006.

Reports that were submitted by District representatives on August 2 and 10, 2006 document the cited violations, the reasons for these violations, and the District's response to these violations, including water quality monitoring sampling results.

The District filed a NOI for coverage under the General Permit on July 27, 2006. The NOI states that construction activities commenced eight days prior on July 19, 2006.

A follow-up Regional Board inspection on August 9, 2006 revealed that appropriate BMPs were in place and that a copy of a SWPPP was made available on-site on August 1, 2006, twelve days after construction commenced.

On August 15, 2006 the Executive Officer issued Complaint No. R9-2006-0105, recommending civil liability of \$32,800 for the following:

1. unauthorized discharges (2 days @ \$10,000 per day = \$20,000),
2. failure to prepare and implement a SWPPP (12 days @ \$1,000 per day = \$12,000), and
3. failure to submit a NOI (8 days @ \$100 per day = \$800).

On September 12, 2006, the District paid the \$32,800 administrative civil liability and waived its right to a public hearing.

On August 30, 2006, the Regional Board received written notification that clean-up efforts, consisting of removal of the sediment deposited in the tributary to Poway Creek, were complete.

The public comment period ends on November 1, 2006. To date, no comments on the subject matter have been received.

LEGAL CONCERNS: None.

SUPPORTING  
DOCUMENTS:

- (1) Location Map
- (2) Tentative Order No. R9-2006-0127
- (3) Signed Waiver of Hearing Form
- (4) ACL Complaint No. R9-2006-0105 (with inspection reports attached)

COMPLIANCE RECORD: There is no record of past non-compliance for the subject site.

RECOMMENDATION: The adoption of tentative Order No. R9-2006-0127 is recommended.